

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ERIC LANGE, et al.)	
)	
)	
Plaintiffs,)	Case No. 5:15-cv-00859-JRA
)	
vs.)	JUDGE ADAMS
)	MAG. JUDGE LIMBERT
CORNWELL QUALITY TOOLS CO.)	
)	
)	
Defendant.)	

MOTION FOR SANCTIONS

Defendant Cornwell Quality Tools Company respectfully moves the Court to grant it sanctions against Plaintiffs' counsel pursuant to Fed. R. Civ. P. 11(b) and (c). The Complaint that was signed and filed by counsel on May 1, 2015, was clearly barred on grounds of collateral estoppel by reason of issue preclusion. The signing and filing thus violated Fed. R. Civ. P. 11(b)(2) in particular, but also subsections (1) and (3).

Cornwell requested that Plaintiffs' counsel withdraw the Complaint by letter dated May 4, 2015, giving notice of the violation of Rule 11. There was no response to the letter and the Complaint was not withdrawn. Cornwell moved to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(6) on May 21, 2015. As of the time of service of this Motion on counsel, on June 23, 2015, no response to the Motion to Dismiss had been filed. Such a response would then have been untimely, but on motion it was allowed by the Court and was filed on June 26, 2015.

Sanctions are plainly warranted. This case is directly analogous to *Huntsman v. Perry Local Schools Bd. of Educ.*, 2008 WL 5146546 (Not Reported in F.Supp.2d) (USDC NDOH, 2008), *affd.* 379 Fed.Appx. 456 (Sixth Cir. 2010). See also, *Trans Rail America, Inc. v. Hubbard*

Twp., 2012 WL 4483738 (Not Reported in F.Supp.2d) (USDC, NDOH 2012) and *Hy-Ko Products Co. v. Hillman Group, Inc.*, 2012 WL 892560 (Not Reported in F.Supp.2d) (USDC NDOH 2012).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion was filed on the Court's ECF system on July 16, 2015, which will cause it to be served on counsel for all of the parties. It was also served by U.S mail and email the 23rd day of June, 2015, upon:

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